

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LATOYIN V. DAVIS,

Plaintiff,

v.

SPENCER D. GROSS, DOMINO'S PIZZA,  
LLC, and SEDGWICK CLAIMS  
MANAGEMENT SERVICES, INC.,

Defendants.

**8:23CV548**

**ORDER**

This matter is before the Court on plaintiff Latoyin V. Davis's ("Davis") Motion for Summary Judgment (Filing No. 17). On July 8, 2024, the magistrate judge<sup>1</sup> issued a Findings, Recommendation and Order (Filing No. 22) recommending the Court deny Davis's motion without prejudice. *See* 28 U.S.C. § 636(b)(1) (authorizing the Court to designate a magistrate judge to assist with pretrial matters on dispositive motions). Noting that none of the defendants had "been properly served or given an opportunity to respond," the magistrate concluded Davis's dispositive motion was premature. The magistrate judge also granted Davis additional time to properly serve the defendants in accordance with Federal Rule of Civil Procedure 4 and directed the Clerk of Court to issue new summons.

Though notified of the deadline to object to the magistrate judge's findings and recommendation, Davis did not object. *See* 28 U.S.C. § 636(b)(1) (giving parties fourteen days to object); Fed. R. Civ. P. 72(b)(2) (same). The time to do so has now passed.

Under § 636(b)(1), the Court must "make a de novo review of . . . specified proposed findings or recommendations to which objection is made." But when no one objects, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991) (noting

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<sup>1</sup>The Honorable Jacqueline M. DeLuca, United States Magistrate Judge for the District of Nebraska.

§ 636(b)(1) provides “for *de novo* review only when a party” objects). In other words, “the failure to file objections eliminates not only the need for [*de novo*] review, but *any* review by the district court.” *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009).

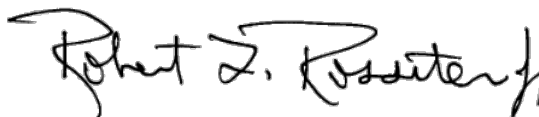
Given the magistrate judge’s determination and the absence of a timely objection from Davis,

IT IS ORDERED:

1. The magistrate judge’s findings and recommendation (Filing No. 22) is accepted. Any objections are deemed waived.
2. Plaintiff Latoyin V. Davis’s Motion for Summary Judgment (Filing No. 17) is denied without prejudice.

Dated this 30th day of July 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge